IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

OP.No. 35749 of 2000(E)

PETITIONER:

N. RAMANKUTTY NAIR, PROPRIETOR GANESH CASHEW COMPANY,
PUTHOOR P.O., KOTTARAKKARA, KOLLAM DIST.

BY ADV. SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, KOLLAM DISTRICT, COLLECTORATE, KOLLAM.

2. THE TAHSILDAR (RR), OFFICE OF THE TAHSILDAR (RR), KOLLAM.

3. M/S. ANDERSON INDUSTRIES INTERNATIONAL LIMITED,
CORPORATE/REGISTERED OFFICE AT NO. 24, G.S.T. ROAD, GUINDY,
CHENNAI 600 032 REPRESENTED BY ITS DIRECTOR SRI. RAJARAM,
SON OF CHAKRAPANI, RESIDING AT NO. 4/21, SATYA NAGAR, RAMAPURAM,
MADRAS 89

4. M/S. M.V.R. INDUSTRIES LIMITED NO. 24, G.S.T. ROAD,
GUINDY, CHENNAI 600 032

5. SRI. C.G. RAJAN, MANAGER, M/S. M.V.R. INDUSTRIES LTD., DEEPUVILLA,
ULIYACOVIL, KOLLAM.

R1 AND R2 BY GOVERNMENT PLEADER SRI. V. TEKCHAND

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP NOS. 61049 OF 2000 AND 54314 OF 2000 IN OP 35749 OF 2000

DISMISSED

13.11.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE NSOTICE OF ATTACHMENT OF RENT DUE DATED 27.10.2000 ISSUED BY THE 2ND RESPONDENT TO PETITIONER.

EXT.P2 TRUE COPY OF LETTER DATED 21.11.2000 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P3 TRUE COPY OF THE ORDER DATED 18.11.2000 SENT BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P4 TRUE COPY OF THE ORDER DATED 2.2.2000 IN I.A. NO. 353 OF 2000 IN O.S.NO. 52/2000 PASSED BY THE SUB COURT, KOLLAM.

EXT.P5 TRUE COPY OF THE ORDER OF STAY EXTENDED FOR ONE MONTH ON 10.1.2001 AND UNTIL FURTHER ORDERS ON 8.2.2001

EXT.P6 TRUE COPY OF THE REPRESENTATION DATED 24.10.2001 FILED BY THE PETITIONER BEFORE THE JOINT DIRECTOR OF FACTORIES AND BOILERS, THIRUVANANTHAPURAM.

EXT.P7 TRUE COPY OF THE REPRESENTATION DATED 23.10.2001 FILED BY THE PETITIONER BEFORE THE SUPERINTENDENT OF POLICE, KOLLAM AND CIRCLE INSPECTORS OF POLICE, KOLLAM EAST AND KOTTARAKKARA.

EXT.P8 TRUE COPY OF THE REPRESENTATION DATED 27.10.2001 FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

O.P. NO. 35749 OF 2000

Dated this the 13th day of November, 2007

JUDGMENT

Petitioner is the sub-lessee of the defaulter's property. Fourth respondent is the defaulter who is in arrears of sales tax due to the Government. The factory belonging to the fourth respondent was leased to the fifth respondent, who in turn sub-leased it to the petitioner. Petitioner is liable to pay lease rentals to the Government and second respondent is free to recover the same in garnishee proceedings. Besides this, property of the defaulter can be sold in recovery proceedings either after evicting the petitioner in accordance with procedure recognised by law or subject to sub-lease rights of the petitioner. Respondents 1 and 2 are directed to sell the property subject to sub-lease right of the petitioner or after evicting the petitioner in accordance with law.

O.P. is disposed of as above.

(C.N. RAMACHANDRAN NAIR)
Judge